

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

\* \* \* \* \*

CARL G. SIMPSON, et al., \*

\*

Plaintiffs, \*

\*

Case No.: C-1-00-0014

vs. \*

\*

INTERMET CORPORATION, et al., \*

\*

Defendants. \*

\* \* \* \* \*

DEPONENT: JACK ROOP

DATE: NOVEMBER 16, 2001

TIME: 9:10 A.M. - 12:00 P.M.

LOCATION: AIRPORT HOLIDAY INN  
SUITE 218  
ROANOKE, VIRGINIA

REPORTED BY: CYNTHIA N. STILES  
COURT REPORTER  
NOTARY PUBLIC IN AND FOR THE  
STATE OF VIRGINIA AT LARGE

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## APPEARANCES

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For the Defendant: NANCY J. BRIDE, ESQUIRE  
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Also Present: Al Gould, Hayes Lemmerz

## I N D E X

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(NONE)

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## STIPULATION

It is stipulated by and between the parties hereto and their respective attorneys at law that the deposition on oral examination of the witness, JACK ROOP, may be taken before Cynthia N. Stiles, Notary Public, State of Virginia at Large, and that the said deposition shall be taken in accordance with, and, when so taken, may be used in accordance with the provisions in the Federal Rules of Civil Procedure.

It is further stipulated that the witness will not waive reading and signing said deposition upon its completion.

JACK ROOP,  
having been first duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY MR. LAMBERT:

Q Mr. Roop, my name is Randall Lambert. With me is Scott Bowling. We represent the Simpson family in the case that's pending in district court in Cincinnati. We're here today to take your deposition and ask you some questions about some things you may know about some of the facts or instances involved in this litigation.

First of all, sir, have you ever had your deposition taken before?

A No, sir.

Q I always tell everybody this is something everyone should do once in their life. This may be your only opportunity, so we'll try to make it as enjoyable for you as possible.

There are ground rules I'd like to give you to follow. This lady is taking down everything that you and I say. I'm sure it will be ordered and put into a booklet or transcript form, so everybody here can read it.

In order for us to be able to read it and

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understand it, we have to follow these guidelines. No. 1 is always answer audibly yes or no or give a verbal answer. We can't shake our heads or say uh-uh or uh-huh, as we do back where we're from.

Another instruction is allow me to finish my question before you start answering, and I will allow you to finish your answer before I start another question.

The last instruction is make sure you understand the question before you answer it, so if we read it later and we read an answer that you give, we will be able to assume that you understood what the question was when you gave your answer.

If you don't understand, let us know and we will try to restate it, rephrase it or ask it again in a way that you can understand, okay?

A Okay.

Q Give us your name and your address for the record.

A It's Jack Roop. I live at [REDACTED], Phoenix City, Alabama.

Q And what is your business address?

A Business address is 1600 Industrial -- Northside Industrial Boulevard, Columbus, Georgia.

Q Do you have an extra one of those cards?

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1 Sutter machine, would you report them to him or would  
 2 you go straight to CMI?  
 3 A I'd go to Bob.  
 4 Q Once you saw the machines and started the  
 5 installation, did you bring any safety concerns to the  
 6 attention of Mr. McMillan or anyone else regarding the  
 7 operation of the machine?  
 8 A I'm not sure that I did individually, but  
 9 there were items that we discussed.  
 10 Q What were those items?  
 11 A The one that I recall was the locking out of  
 12 the machine to keep the box in the up position.  
 13 Q The gas head?  
 14 A Yes.  
 15 Q You don't recall who brought up that concern?  
 16 A No, I don't recall.  
 17 Q To your knowledge, was that relayed by  
 18 McMillan to CMI?  
 19 A Yes.  
 20 Q What, if anything, was done design-wise or  
 21 operational-wise on the machine to answer that safety  
 22 concern?  
 23 A We reviewed -- we talked with CMI. There was  
 24 conversation back and forth about different ways to lock  
 25 the machine in the up position, and I was told to design

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1 something that was capable of being locked in place and  
 2 not removed without taking physical locks off of it that  
 3 would keep that box up in the up position.  
 4 Q Okay. What -- go ahead.  
 5 A I designed two tubular steel bars that were  
 6 anchored at the front and the back of the machine. The  
 7 bar slid through a clip in the front of the machine into  
 8 a clip on the back of the machine, and the lock was  
 9 placed on it where it could not come through, and there  
 10 was one on either side of the box. There were two on  
 11 each machine.  
 12 Q This would keep the gas head from dropping  
 13 when the machine was not in cycle?  
 14 A Right. If the top locks would fail, the box  
 15 would stay in place.  
 16 Q Was that designed at the time the machines  
 17 were initially installed?  
 18 A It was shortly, it was shortly after. They  
 19 weren't in production, I don't think, when we put the  
 20 bars on. It was before I left up there, anyway.  
 21 Q We've got some photographs I want you to look  
 22 at to make sure we're talking about what I think, the  
 23 bars that I think we're talking about.  
 24 While Scott is finding those photographs, we  
 25 have a drawing that's part of exhibit -- Nancy, do you

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1 all remember which exhibit that is?  
 2 MS. BRIDE: Is that R something? No, R is  
 3 the photograph.  
 4 MR. FLAUGHER: J.  
 5 BY MR. LAMBERT:  
 6 Q We're trying to keep from having so many  
 7 copies.  
 8 Exhibit J, page 15 is a copy of a drawing,  
 9 rough drawing that was made, I believe it was made by  
 10 someone with OSHA, actually, that we've been using as a  
 11 general description of the main components, I think I  
 12 could say, of the Sutter machine, so we can know we're  
 13 talking about the same thing, as far as the location of  
 14 the gas head, the cope and the drag.  
 15 Would this drawing appear to be accurate, as  
 16 far as the relationship of those main components with  
 17 each other?  
 18 A Uh-huh.  
 19 Q Is that yes?  
 20 A Yes.  
 21 Q We also have some photographs in Exhibit R,  
 22 and Photograph 5 of Exhibit R shows some bars that are  
 23 connected to the top of the machine. They come down and  
 24 have another bar running through them. According to the  
 25 other witnesses, these bars are placed there to keep the

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1 gas head from dropping down.  
 2 What I want to know is are those the safety  
 3 bars you're referring to, or is this something that was  
 4 installed after your involvement with the machine?  
 5 A No, I think these are the same bars.  
 6 Q Do you know whether or not those were  
 7 installed after there was an injury to someone by the  
 8 gas head dropping?  
 9 A Well, while I was there there were no  
 10 injuries on the machine, and they were installed before  
 11 I left up there, so.  
 12 Q The bars that were installed, that are shown  
 13 in Photograph 5, the purpose of those bars was to keep  
 14 the gas head from dropping, correct?  
 15 A Right, if the top locks failed.  
 16 Q They would not keep the cope from rising up  
 17 to the gas head, except for keeping it an inch or so  
 18 away, correct?  
 19 A Right. As far as I know, yes.  
 20 Q The way it was designed, it was not designed  
 21 to do that, to keep the cope from rising?  
 22 A Yes.  
 23 Q While you were there during the installation,  
 24 I assume the machines were operated for a period of time  
 25 before you left?